

REMARKS

Claims 1-15 are pending. Claims 5-7 have been withdrawn from consideration, and claims 1-4 and 8-15 stand rejected. By this Amendment, claims 1, 8, 12, and 13 are amended. The amendment of claims 1 and 12 generally finds support at page 10 paragraphs [0033]-[0035].

Claim Objections

The Examiner objected to claims 8 and 13 under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicants have amended claims 8 and 13. Applicants respectfully request reconsideration and withdrawal of the claim 8 and 13 objections.

Rejection Under 35 USC §102(b)

The Examiner rejected claims 1-4 and 8 under 35 U.S.C. 102(b) as being anticipated by US Patent No. 6,113,191 to Seibold (the Seibold patent). The Examiner noted that the Seibold patent discloses a retractable seat attached to a floor, wherein the seat can be switched between a use condition and a retracted condition.

Applicants maintain that Applicants' invention is not disclosed by the Seibold patent and thus does not render Applicants' invention prima facie anticipated. Applicants respectfully request reconsideration of the rejections based upon the following comments.

Seibold discloses a seat assembly with a seat bottom (36), a seat back (32) comprised of an upper portion (42) and a lower portion (44), the seat bottom pivotally attached to one end of a leg link (38) and the other end of the leg link pivotally attached to the floor. The seat bottom (36) is also pivotally attached to the seat back (32) at a pivot mount (54) which allows the seat back to fold forward into the stored position. The seat back (32) extends to the

floor such that lower seat portion (44) is pivotally attached to the guide member (40). The leg link (38) folds backwardly and the seat back (32) folds forwardly in the stored position. (Column 2, l. 61-67, Column 3, l. 1-60 and figures 3A-3C).

The Seibold patent does not disclose a separate link mechanism, separate from the seat back, including a front leg and a rear leg that are each pivotally connected to the seat cushion and the floor. Neither does the Seibold patent disclose front legs and rear legs that rotate in the same direction relative to the floor to achieve the stored position.

Since the Seibold patent does not disclose each and every element set forth in claims 1 and 12 as amended, then claims 1 and 12 are not anticipated. Claims 2-4 and claim 8 depend from claim 1 and claims 13-15 depend from claim 12, and are therefore are also not anticipated. While Applicants do not acquiesce in the assertions of the Examiner with respect to the features of the dependent claims, Applicants do not comment further on these issues at the present since they are moot in view of the analysis above. Since the Seibold patent does not disclose Applicants' invention, Applicants respectfully request reconsideration and withdrawal of the rejection of claims 1-4 and claims 8-15.

Rejection Under 35 USC §103

The Examiner rejected claims 10, 11, 14 and 15 under 35 U.S.C. 103(a) as being unpatentable over Seibold. The Examiner notes that it would have been obvious to include a recess in the vehicle floor for receiving the seat and for the seat to be a rear seat. Seibold does not teach or suggest a recess in the vehicle floor for receiving the seat.

Further, the Seibold patent does not teach or suggest all the claim limitations. Claims 10 and 11 depend from claim 1, and claims 14 and 15 depend from claim 12. The Seibold patent does not teach or suggest all of the elements of claim 1 or of claim 12, as amended. For example, Seibold does not teach or suggest a separate link mechanism for

supporting the seat cushion on the floor, the link mechanism including a front leg and a rear leg each pivotally connected to the seat cushion and the floor. The Seibold patent teaches a front leg link and a seat back that extends to the floor. (Col. 1, l. 60 - Col.2, l.8, Fig. 3A). In addition, Seibold does not teach or suggest the front and rear legs rotating in the same direction relative to the floor, thus moving the seat cushion so that the seat can be switched between a use and stored condition. Instead, the Seibold patent teaches away from this configuration by teaching rearward movement of the leg link and the forward movement of the seat back. (Col. 4, l. 18-53, Fig. 3C).

Since the Seibold patent does not teach or suggest all the claim limitations of claims 1 and 12, as amended, and claims 10, 11, 14 and 15 depend from claims 1 and 12, then claims 10, 11, 14 and 15 are also not obvious. While Applicants do not acquiesce in the assertions of the Examiner with respect to the features of the dependent claims, Applicants do not comment further on these issues at the present since they are moot in view of the analysis above. Applicants respectfully request the reconsideration and withdrawal of the rejection of claims 10, 11, 14 and 15 under §103(a).

In view of the foregoing, it is submitted that this application is in condition for allowance. Favorable consideration and prompt allowance of the application are respectfully requested.

The Examiner is invited to telephone the undersigned if the Examiner believes it would be useful to advance prosecution.

Respectfully submitted,



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